

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES PLUNKETT,
Plaintiff,

v.

W. VAUGHN, et al.,
Defendants.

No. 2:24-cv-1936 DAD CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983 against employees of the California Department of Corrections and Rehabilitation (CDCR). This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1). Plaintiff's second amended complaint (ECF No. 23) is before the court for screening.

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

Having conducted the required screening, the court finds that plaintiff should be permitted to proceed on claims for denial of medical care in violation of the Eighth Amendment against defendants Lehil and Bailey. Plaintiff also alleges defendants discriminated against plaintiff

1 because plaintiff is transgender. However, plaintiff fails to point to any facts which reasonably
2 suggest as much

3 Accordingly, IT IS HEREBY RECOMMENDED that all claims other than claims for
4 denial of medical care in violation of the Eighth Amendment against defendants Lehil and Bailey
5 be dismissed.

6 These findings and recommendations are submitted to the United States District Judge
7 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
8 after being served with these findings and recommendations, plaintiff may file written objections
9 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
10 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
11 time waives the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th
12 Cir. 1991).

13 Dated: October 14, 2025

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15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE
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